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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,231	01/24/2007	Yoshihiro Kobayashi	81880.0147	4114
26/021 7590 09/27/2010 Hogan Lovells US LLP 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067				
EXAMINER JEANTY, ROMAIN				
ART UNIT		PAPER NUMBER		
3624				
NOTIFICATION DATE		DELIVERY MODE		
09/27/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/577,231

**Applicant(s)**

KOBAYASHI ET AL.

**Examiner**

Romain Jeanty

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on January 24, 2007. Claims 1-20 are now pending in this application.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

Claims 1 recites a parts marketing system for designing and selling parts based on customer's product specifications .Although claim 1 recites a system, there is no structure to support the results of the claimed limitations. Claims 2-14 depend from Claim 1 and have the same deficiencies and missing elements and are rejected for the same rationale. A possible amendment to Claim 1 might be, for example, in the body of Claim 1, the recitation of computer architecture components such as, *computer* system comprising a server, and/or, a computer processor with a database...",

Claims 2-14 depend from claim 1; therefore claims 2-14 are rejected for the same reasons indicated in claim 1.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-9 are rejected under 35 U.S.C. 103(a) as being anticipated by Wakui et al (US 20050096934).

Regarding claims 1, Wakui et al discloses A parts marketing system for designing and selling parts based on customer's product specifications, wherein the system selects and sells parts lot having optimal distribution data of dimensions or characteristics (Paragraph 0100, based on both of customer's product specifications and distribution data of dimensions or characteristics of parts combined by the customer (Paragraph 0138).

Regarding claims 4-9, Wakui et al database unit for storing distribution data of dimensions or characteristics of each lot, and price and delivery date with respect to delivery parts, an input unit for inputting the customer's product specifications and the distribution data of dimensions or characteristics of parts combined by the customer (Paragraphs 0058 and 0062); a simulation unit for retrieving required information from the database unit, based on information from the input unit, and for selecting parts lot having optimal distribution data of dimensions or characteristics using a simulator, an

output unit for indicating an estimation sheet including the distribution data of dimensions or characteristics, and the delivery date and the price with respect to the selected optimal parts lot ((Paragraphs 0058 and 0062).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakui et al (US 20050096934).

Regarding claims 10-14, the features claimed in these claims are old and well known features that are usually claimed in the art of parts marketing. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Wakui et al to incorporate these features in order to manage a schedule of a future part management at a time of a part design.

***Allowable Subject Matter***

8. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if overcome the 35 USC 101 rejection and if rewritten in

independent form including all of the limitations of the base claim and any intervening claims.

Prior art of record fails to teach wherein at least one boundary value is defined between an ideal value of either characteristic parameter or dimension parameter of parts and a tolerance limit value, and then parts are classified by the ideal value, the tolerance limit value and the boundary value, to deliver the parts to the customer, and wherein the boundary value is defined between a neighboring region closer to the ideal value of either characteristic parameter or dimension parameter of parts and a remote region residing in tolerance but apart from the ideal value, and then the parts are classified by the neighboring region and the remote region to deliver the parts to the customer, as recited in dependent claims 2 and 3.

### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Romain Jeanty/  
Primary Examiner, Art Unit 3624  
September 13, 2010